

HOUSE BILL No. 1201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-5; IC 35-50-5-1.1.

Synopsis: Disqualification for elected office. Limits the period during which a person is disqualified from holding or being a candidate for an elected office to five years after: (1) the completion of the sentence for; and (2) fulfillment of all judgments and orders resulting from; a felony plea or conviction, except for a felony that is an offense against the person under IC 35-42. Requires a felony conviction for certain offenses concerning public administration before a court may: (1) prohibit a person from holding a public office for a period not to exceed ten years; or (2) remove an officer of a governmental entity from office.

Effective: July 1, 2005.

Smith V

January 6, 2005, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This section does not apply
3 to a candidate for federal office.
4 (b) **Except as provided in subsection (c)**, a person is disqualified
5 from holding or being a candidate for an elected office if the person:
6 (1) gave or offered a bribe, threat, or reward to procure the
7 person's election, as provided in Article 2, Section 6 of the
8 Constitution of the State of Indiana;
9 (2) does not comply with IC 5-8-3 because of a conviction for a
10 violation of the federal laws listed in that statute;
11 (3) has:
12 (A) entered a plea of guilty or nolo contendere to; or
13 (B) been convicted of;
14 a felony (as defined in IC 35-50-2-1);
15 (4) has been removed from the office the candidate seeks under
16 Article 7, Section 11 or Article 7, Section 13 of the Constitution
17 of the State of Indiana;



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(5) is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(c) This subsection does not apply to a person who entered a plea to or was convicted of a felony described in IC 35-42. For elections held after December 31, 2007, a person's disqualification under subsection (b)(3) expires on the date five (5) years after the date the person:

(1) completes any sentence; and

(2) fulfills all judgments and orders;

that result from a plea or conviction described in subsection (b)(3).

SECTION 2. IC 35-50-5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.1. (a) Whenever a person is convicted of a ~~misdemeanor~~ **felony** under IC 35-44-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a ~~misdemeanor~~ **felony** under IC 35-44-1, the court may enter an order removing the officer from office.

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